



The Florida House of Representatives

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Contact:

Lyndsey Cruley, (850) 487-8148

Florida House Proposes Adoption of Federal Court Rulemaking Model

Tallahassee, Fla. – Two proposed committee bills relating to court rule adoption today passed the House Civil Justice Subcommittee.

“Together, these bills clarify the court rulemaking process in Florida by adopting the federal model of court rulemaking, which has worked successfully since 1934,” said Representative Eric Eisnaugle (R-Orlando), chairman of the House Civil Justice Subcommittee and co-sponsor of the bills. “If adopted, these proposals will ensure that the judicial branch properly adheres to the system of checks and balances that is outlined in the Constitution and is so important to our republican form of government.”

“Currently, the legislature is supposed to have the sole power to write substantive laws, while the Florida Supreme Court is supposed to only have authority over procedural rules. However, the line between substance and procedure is so unclear that even the courts have described it as the ‘Twilight Zone’,” said Representative Eisnaugle. “This imprecise system has led to continual litigation to determine whether laws and rules are procedural or substantive and has led to the Florida Supreme Court invalidating important substantive legislation.”

“In addition, the courts have demonstrated, on three separate occasions, their willingness to re-adopt a rule that has been repealed by a 2/3rds vote of the legislature,” said Representative Eisnaugle. “This essentially eliminates any check the legislature has on the courts and their rulemaking power.”

“I thank my fellow Members of the Civil Justice Subcommittee for voting in favor of these important bills today; and I look forward to seeing these bills continue to move through the legislative process,” concluded Representative Eisnaugle.

For more information on the proposed committee bills on court rule adoption, please visit [the Florida House of Representatives Civil Justice Subcommittee webpage.](#)

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Resources: *Petition of Florida State Bar Association for Promulgation of New Florida Rules of Civil Procedure*, 199 So. 57 (Fla. 1940)
 Florida Rules of Criminal Procedure, 272 So.2d 65, 66 (Fla. 1972)